
HOUSE BILL 2243

State of Washington 60th Legislature 2007 Regular Session

By Representatives Quall and Priest

Read first time 02/14/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the replacement of motor vehicle keys; and
2 adding a new section to chapter 46.70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.70 RCW
5 to read as follows:

6 (1) For the purposes of this section:

7 (a) "Information" includes, but is not limited to, the motor
8 vehicle's key code and, if applicable, immobilizer or access code, and
9 its successor technology and terminology;

10 (b) "Motor vehicle" means every motor vehicle, except motorcycles
11 and motor-driven cycles, designed for carrying ten passengers or less
12 and used for the transportation of persons;

13 (c) "Registered locksmith" means a locksmith licensed and bonded in
14 Washington state that has registered with a motor vehicle manufacturer,
15 and has been issued a registry number and security password by the
16 manufacturer;

17 (d) "Registered owner" means the person whose lawful right of
18 possession of a motor vehicle has most recently been recorded with the

1 department of licensing. "Registered owner" includes a lessee of the
2 motor vehicle when the lessee's name appears on the motor vehicle
3 registration.

4 (2)(a) A motor vehicle manufacturer of a new motor vehicle sold or
5 leased in this state after December 31, 2008, shall provide the
6 registered owner of the motor vehicle, through a registered locksmith,
7 information necessary to permit the production of a replacement key or
8 other functionally similar device by the registered locksmith that
9 allows the registered owner of the motor vehicle to enter, start, and
10 operate the motor vehicle. This information must be made available at
11 all times to registered owners of motor vehicles by telephone or
12 electronically.

13 (b) When the registered owner of the motor vehicle or the
14 registered owner's family member requests a registered locksmith to
15 produce a replacement key or other functionally similar device that
16 allows the motor vehicle to be entered, started, and operated, and
17 information is needed from the motor vehicle manufacturer to produce
18 the requested key or other functionally similar device, the registered
19 locksmith shall visually verify:

20 (i) The identity of the requesting party through that party's
21 driver's license;

22 (ii) That the registration of the motor vehicle matches the
23 requesting party's identity and address, or the last name and address
24 if the requesting party is a family member of the registered owner; and

25 (iii) That the vehicle identification number of the motor vehicle
26 matches the vehicle identification number on the registration.

27 If the registered locksmith verifies these requirements, the
28 registered locksmith shall sign and file an affidavit that he or she
29 has visually verified the information and proceed to access the needed
30 information from the motor vehicle manufacturer.

31 (c) After completing the requested service, the registered
32 locksmith shall give any key code information obtained from the motor
33 vehicle manufacturer to the registered owner, or if applicable, the
34 registered owner's family member, and shall destroy all information
35 accessed from the motor vehicle manufacturer in the registered
36 locksmith's possession. Except in cases of fraud or misappropriation,
37 a registered locksmith who follows the requirements of this section
38 does not incur liability for theft of the motor vehicle related to the

1 locksmith's production of a replacement key or functionally similar
2 device that allows the motor vehicle to be entered, started, and
3 operated.

4 (d) When a motor vehicle manufacturer receives a request from a
5 registered locksmith for information to enable the locksmith to produce
6 a replacement key or other functionally similar device that allows the
7 motor vehicle to be entered, started, and operated, and the request was
8 originally made by the motor vehicle's registered owner or the
9 registered owner's family member, the manufacturer shall: Require the
10 registered locksmith to confirm the locksmith's registration with the
11 manufacturer's registry; provide the security password issued by the
12 manufacturer; and comply with any other reasonable authentication
13 procedure. The motor vehicle manufacturer shall also require the
14 registered locksmith to confirm the visual identity of the registered
15 owner or registered owner's family member and the motor vehicle
16 verifications as described under (b) of this subsection. If the
17 registered locksmith verifies these requirements along with the vehicle
18 identification number and model number, the motor vehicle manufacturer
19 shall provide the registered locksmith, for the motor vehicle
20 identified by the vehicle identification number and model number, the
21 information necessary to enable the production of a replacement key or
22 other functionally similar device that allows the motor vehicle to be
23 entered, started, and operated.

24 (e) A motor vehicle manufacturer subject to this section shall
25 retain and make the information described in (b) of this subsection
26 available for at least twenty-five years from the date of manufacture
27 of the motor vehicle.

28 (f) A motor vehicle manufacturer that follows the requirements of
29 this section does not incur liability for theft of the vehicle related
30 to furnishing the information to a registered locksmith for the
31 production of a replacement key or functionally similar device that
32 allows the motor vehicle to be entered, started, and operated.

33 (3) Until January 1, 2013:

34 (a) This section applies to a motor vehicle line of a motor vehicle
35 manufacturer that is exempt under (b) of this subsection, if after
36 January 1, 2009, the motor vehicle line provides for the production of,
37 by any person other than the motor vehicle manufacturer, a replacement

1 key or other functionally similar device that allows the motor vehicle
2 to be entered, started, and operated.

3 (b) This section does not apply to a motor vehicle line of a motor
4 vehicle manufacturer that on January 1, 2007, did not provide for the
5 production of a replacement key or other functionally similar device
6 that allows the motor vehicle to be entered, started, and operated,
7 only by the motor vehicle manufacturer, provided that the vehicle
8 manufacturer operates a telephone or electronic request line at all
9 times, and upon a request of the registered owner or family member of
10 the registered owner of the motor vehicle, a replacement key or other
11 functionally similar device that allows the motor vehicle to be
12 entered, started, and operated, is furnished to the registered owner at
13 a reasonable cost within one day of the request or via the next
14 overnight delivery.

15 (c) This section does not apply to a motor vehicle line of a motor
16 vehicle manufacturer that sold between two thousand five hundred and
17 five thousand motor vehicles of that line in the prior calendar year in
18 the state.

19 (4) This section does not apply to a motor vehicle manufacturer
20 that sold fewer than two thousand five hundred motor vehicles in the
21 prior calendar year in the state.

22 (5) The duties imposed on a motor vehicle manufacturer under this
23 section may be performed either by the manufacturer or the
24 manufacturer's agent through a contract.

25 NEW SECTION. **Sec. 2.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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